

REMARKS

This Amendment is submitted in response to the Office Action dated October 10, 2006. In the Office Action, the Patent Office rejected Claims 10 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Moreover, the Patent Office rejected Claims 1, 2, 8-11, 13 and 18 under 35 U.S.C. §102(b) as being anticipated by *Brunson* (U.S. Patent Publication No. 2001/0034664).

Moreover, the Patent Office rejected Claims 1-3, 8-11, 13, 15 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell* (U.S. Patent Publication No. 2002/0083061); rejected Claims 4, 5, 7, 12, 14, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell* as applied to Claims 1 and 8, and further in view of *Pugliese III et al.* (U.S. Patent Publication No. 2001/0044751, hereinafter "*Pugliese*"); rejected Claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell* and in further view of Crossman, Craig, "Look, Listen and Interact with Multimedia," *Austin American Statesman*, March 21, 1994, Page D6, (hereinafter "*892u*"); rejected Claims 12, 14, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Pugliese*; and rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view *892u*.

By the present Amendment, Applicant amended Claims 1, 8, 10, 12 and 13. Applicant asserts that the amendments to the claims and the remarks that follow overcome the objections and rejections made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 10 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Patent Office asserts:

Claims 10 and 13 recite the limitation "first access" in lines 1 of each claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner notes that the amendment filed 3/20/2006 removed the term "first access" from the claim language. For purposes of examination, the first access will be treated as previously claimed with regards to viewing the merchant information in the database.

Applicant submits that the amendments to Claims 10 and 13 overcome the rejection by the Patent Office. More specifically, Applicant submits that the rejection of Claims 10 and 13 under 35 U.S.C. §112, second paragraph, has been overcome. Notice to that effect is requested.

Further, in the Office Action, the Patent Office rejected Claims 1, 2, 8-11, 13 and 18 under 35 U.S.C. §102(b) as being anticipated by *Brunson*. This rejection is traversed for the reasons that follow.

In the Office Action, regarding Claims 1 and 2, the Examiner stated:

the limitations set forth in Claims 1 and 2 closely parallel the limitations of Claims 8 and 9. Claims 1 and 2 are thereby rejected under the same rationale.

The Examiner stated in the Office Action that regarding Claim 8, *Brunson* teaches:

providing a computer network (see at least: abstract, Fig. 1);

providing a database connected to the computer network wherein the database stores merchant information associated with the merchant and further wherein the merchant information has the location of the merchant within the multi-dealer retail establishment (see at least: abstract, 0007, 0029, 0038, Fig. 1, 3-11);

inputting a product list of the merchant into the merchant information in the database wherein the product list has item information associated with items offered for sale by the merchant (see at least: abstract, 0007, 0029, 0038);

providing a terminal in the multi-dealer retail establishment wherein the terminal access the database for displaying the merchant information of the merchant in the database via a computer network wherein the terminal is only accessible at the multi-dealer retail establishment (see at least: abstract, 0007, 0027, Fig. 1, 10-11);

searching the product list in the merchant information based on item information associated with the item (see at least: abstract).

determining the location of the merchant in the multi-dealer retail establishment based on the product list wherein the terminal displays the location of the item in the multi-retail establishment based on the merchant information (see at least: abstract, 007, 0035, 0038, Fig. 10-12).

Regarding Claims 9-11, the Examiner stated that *Brunson* teaches:

(9) wherein the computer network is the internet (see at least: 0030);

(10) wherein the first access to the database is wireless (see at least: 0031);

(11) providing a remote server and storing the database on the remote server (see at least: Fig. 1).

Regarding Claim 13, the Examiner stated that *Brunson* teaches:
wherein the first access to the database is from
a remote computer terminal with respect to the
database (see at least: abstract, Fig. 1).

Regarding Claim 18, the Examiner stated that *Brunson* teaches:

wherein the item information includes geographic
information associated with the item for sale by
the merchant (see at least: abstract).

Independent Claims 1 and 8, as amended, require a system and a method, respectively, for determining an availability and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

Brunson merely discloses a system for customers to interact with kiosks by entering search criteria to search for specific

products or services located at different retailers. Further, the kiosk is located at any location throughout a geographical area, and the kiosk searches for products that are located at any retailer throughout a geographical area. Further, the kiosk, upon receipt of the product/service information request, forwards the request to a product/server database. Upon locating information pertaining to the requested product/service, the database forwards the results of the search to the kiosk.

Nowhere does *Brunson* disclose means for inputting merchant information into the database wherein the merchant information is associated with a location of the merchant in the multi-dealer retail establishment and wherein the availability and the location of the item are determined only within the interior space of the multi-dealer retail establishment, as required by amended independent Claims 1 and 8. Further, nowhere does *Brunson* disclose a retail environment wherein the items in the database offered for sale by the merchants are specific to the multi-dealer retail establishment, as required by Claims 1 and 8. Still further, nowhere does *Brunson* disclose a retail establishment wherein the retail establishment is defined by walls that define an interior space and wherein each of the merchants is associated with only one location within the retail establishment, as required by Claims 1 and 8.

Under 35 U.S.C. §102(b), anticipation requires that a single reference discloses each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial", and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d. 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Because *Brunson* fails to disclose the elements specifically defined in amended independent Claims 1 and 8, and because Claims 2, 9-11, 13 and 18 depend on independent Claims 1 and 8, Applicant asserts that the rejection of Claims 1, 2, 8-11, 13 and 18 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claims 1-3, 8-11, 13, 15 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell*. As set forth by the foregoing remarks with respect to the rejection of Claims 1-3, 8-11, 13, 15 and 18 under U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell*, Applicant respectfully submits that the rejection has been overcome by the amendments to Claims 1 and 8 and for the reasons that follow. In the Office Action, the Patent Office alleges that:

Regarding Claim 1, *Brunson* teaches all of the above and also teaches a database containing merchant information wherein the merchant information is associated with a location of the merchant in the multi-dealer retail establishment and item information wherein the item information is associated with a description of the item and a price of the item (see at least: abstract, 0002, 0004, 0007, 0029, 0038, Fig. 2-11). *Brunson*, however, does not expressly state a means for inputting the merchant and item information; however, the Examiner notes that there is an implicit suggestion of a means for inputting the required information, though *Brunson* is silent pertaining to this aspect. *Russell* teaches a system and method for providing searchable electronic databases for use in tradeshow ... [where] ... vendors upload specified amounts of information such as the vendor's products and related information via a secure web page (see at least: 0007, 0009, 0014, claim 7).

Regarding Claim 2, *Brunson* teaches wherein the computer network is the internet (see at least: 0030).

Regarding Claim 3, *Brunson* teaches all of the above and further teaches a remote server wherein the database is contained on the remote server (see at least: Fig. 1, 0030). *Brunson*, however does not expressly teach a website providing access to the database. *Russell* teaches a website for access to the database (see at least: abstract, 0007, 0009, 0012).

Regarding Claim 8, *Brunson* teaches:
providing a computer network (see at least: abstract, Fig. 1, 0002, 0026, 0030-0031, 0037);
providing a database connected to the computer network wherein the database stores merchant information associated with the merchant and further wherein the merchant information has the location of the merchant within the multi-dealer retail establishment (see at least: abstract, 0007, 0029, 0038, Fig. 1, 3-11);
providing a terminal in the multi-dealer retail establishment wherein the terminal access the database for displaying the merchant information of

the merchant in the database via a computer network wherein the terminal is only accessible at the multi-dealer retail establishment (see at least: abstract, 0007, 0027, Fig. 1, 10-11);

determining the location of the merchant in the multi-dealer retail establishment based on the product list wherein the terminal displays the location of the item in the multi-retail establishment based on the merchant information (see at least: abstract, 007, 0035, 0038, Fig. 10-12). *Brunson* additionally ... shows searching the product list in the merchant information based on item information associated with the item ... [but] ... lacks an explicit statement of inputting the product list (see at least: abstract, 0007, 0032, 0035). *Russell* teaches a vendor uploading via a secure web page information such as the vendor's name, web site, products offered, etc. (see at least: 0007, 0009).

Regarding Claim 9, *Brunson* teaches wherein the computer network is the internet (see at least: 0030).

Regarding Claim 10, *Brunson* teaches wherein the first access to the database is wireless (see at least: 0031).

Regarding Claim 11, *Brunson* teaches providing a remote server and storing the database on the remote server (see at least: Fig. 1, 0030).

Regarding Claim 13, *Brunson* teaches wherein the first access is from a remote computer terminal with respect to the database (see at least: abstract, 0031, Fig. 1).

Regarding Claim 15, *Brunson* teaches all of the above as noted and further teaches a remote server wherein the database is contained on the remote server (see at least: Fig. 1, 0030). *Brunson* does not expressly teach a computer website providing access to the database wherein the computer website is remote with respect to the database. *Russell* teaches a computer website providing access to the database wherein the computer website is remote with respect to the database (see at least: abstract, 0007, 0009, 0012).

Regarding Claim 18, *Brunson* teaches wherein the item information includes geographic information associated with the item for sale by the merchant (see at least: abstract, 0032). Further, *Brunson* teaches geographical information associated with the item for sale.

(See Office Action dated October 10, 2006).

However, independent Claims 1 and 8, as amended, require a system and a method, respectively, for determining an availability and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

Nowhere do *Brunson* and *Russell*, taken singly or in combination, teach or suggest a system or a method for locating an item offered for sale by a merchant in a multi-dealer retail establishment defined by walls and an interior space wherein the availability and the location of the item are determined only within the interior

space of the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one location within the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

On page 10 of the Office Action, the Patent Office notes that *Brunson* is silent on the aspect of disclosing means for inputting merchant information into the database wherein the merchant information is associated with a location of the merchant in the multi-dealer retail establishment, as required by Claims 1 and 8. Further, nowhere does *Brunson* disclose means for inputting item information wherein the item information is associated with a description of the item and a price of the item as required by Claims 1 and 8.

Russell merely teaches "providing information of a conference, comprising the steps of: collecting the information; compiling the collected information into an electronic database; and distributing the database in an electronic medium[,] ... wherein the conference is a tradeshow." Nowhere does *Russell* disclose a multi-dealer retail establishment defined by walls and an interior space wherein the availability and location of the items for sale are determined only within the interior space of the multi-dealer retail

establishment and further wherein the merchants are associated with only one location within the multi-dealer retail establishment, as required by Claims 1 and 8.

While *Russell* suggests means for inputting tradeshow information into a database, a tradeshow is significantly different from the multi-dealer retail establishment in Claims 1 and 8. Webster's Dictionary defines a tradeshow as "a large exposition to promote awareness and sales of especially new products within an industry." On the contrary, Claims 1 and 8 require a multi-dealer retail establishment defined by interior walls with merchants who sell a distinct group of items from locations within the multi-dealer retail establishment. A tradeshow allows individuals or companies to show and compare products and ideas to people; on the contrary, the multi-dealer retail establishment in Claims 1 and 8 requires a plurality of merchants associated with only one of the plurality of locations within the interior space of the multi-dealer retail establishment.

The differences between the multi-dealer retail establishment of Claims 1 and 8 and the teachings of *Brunson* and the tradeshow of *Russell* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art.

In view of the forgoing, the rejection of Claims 1 and 8 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Brunson and *Russell* fail to teach or suggest the multi-dealer retail establishment system required by amended independent Claim 1 from which Claims 2 and 3 depend. Further, *Brunson* and *Russell* fail to teach or suggest the multi-dealer retail establishment method required by amended independent Claim 8 from which Claims 9-11, 13, 15 and 18 depend. Therefore, the rejection of Claims 2, 3, 9-11, 13, 15 and 18 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claims 4, 5, 7, 12, 14, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell* as applied to Claims 1 and 8, and further in view of *Pugliese*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

Regarding Claim 4, *Brunson* in view of *Russell* teach a means for inputting merchant information (see at least: *Brunson*, abstract, 0002, 0004, 0007, 0029, 0038, Fig. 2-1; *Russell*, abstract, 0002, 0007, 0009, 0014, claims 1 and 7). *Brunson* in view of *Russell*, however, do not expressly teach a means for modifying the merchant information. *Pugliese* teaches a mall kiosk available to shoppers (see at least: abstract). *Pugliese* further teaches a merchant or "merchant administrator" with the ability to logon and update the merchant information in the database, and thereby teaches means for modifying the merchant information.

Regarding Claims 5 and 14, *Brunson* in view of *Russell* teaches a secure web page available for vendors to upload information to a database (see at least: *Russell*, abstract, 0007, 0009). *Brunson* in view of *Russell*, however, does not expressly teach wherein a password associated with the merchant for accessing the merchant information in the database. *Pugliese* teaches a registered merchant or merchant administrator logging into the ShopLive system and updating merchant information (see at least: abstract, 0275, 0277, 0334-0336, 0340-0341, Fig. 21). *Pugliese* further teaches wherein the merchant may receive their password via email when using the lost password request function (see at least: 0332, Fig. 20 #100 and #106).

Regarding Claim 7, *Brunson* in view of *Russell* teaches uploading images in real-time to shoppers (see at least: Fig. 11). *Brunson*, however, does not expressly teach a means for inputting an image associated with the item in the item information in a database and a means for accessing the image associated with the item in the database from the computer terminal. *Pugliese* teaches a means for inputting an image associated with the item information in database and a means for accessing the image associated with the item in the database from the computer terminal (see at least: 0271-0272, 0279, 0368, Fig. 15, claim 14).

Regarding Claim 12, *Brunson* in view of *Russell* teach all of the above as noted and further teach a means for inputting merchant information (see at least: *Brunson*, abstract, 0002, 0004, 0007, 0029, 0038, Fib. 2-11; *Russell*, abstract, 0002, 0007, 0009, 0014, claim 1 and 7). *Brunson* in view of *Russell*, however, do not expressly teach providing a second access to the database for modifying the merchant information via the computer network. *Pugliese* teaches a merchant or "merchant administrator" with the ability to logon and update the merchant information in the database, and thereby teaches providing a second access to the database for modifying the merchant information via the computer network.

Regarding Claim 17, *Brunson* in view of *Russell* teaches all of the above and further teaches

uploading images in real-time to shoppers (see at least: Fig. 11). *Brunson*, however, does not expressly teach downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item. *Pugliese* teaches downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item (see at least: 0271-0272, 0279, 0368, Fig. 15).

Regarding Claim 19, *Brunson* in view of *Russell* teaches all of the above and further teaches a user inputting information and performing a search based on the information (see at least: abstract). *Brunson* however does not expressly show inputting user information into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information. *Pugliese* teaches inputting user information into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information (see at least: 0013, 0117, 0143, 0177-0179, 0206).

Regarding Claim 20, *Brunson* in view of *Russell* teaches all of the above and further teaches accessing product availability information (see at least: abstract). *Brunson*, however, does not expressly show inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system. *Pugliese* teaches inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system (see at least: 0099, 0126, 0140).

However, independent Claims 1 and 8, as amended, require a system and a method, respectively, for determining an availability

and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

Claims 4 and 5 require the system of Claim 1 and further require a means for modifying the merchant information in the database and providing a password associated with the merchant for accessing the merchant information in the database. Claim 14 requires the method of Claim 8 and further requires a means of providing a password for accessing the merchant information in the database via the computer system.

Regarding Claims 4, 5 and 14, on pages 16 and 17 of the Office Action, the Patent Office admits that *Brunson* in view of *Russell* does not expressly teach a means for modifying the merchant information in the database via the computer network or a password associated with the merchant for accessing the merchant information

in the database. *Pugliese* merely teaches a merchant administration system that is accessed by a system administrator to register and update merchant information for each store within a merchant, mall or Creation's location. Further, *Pugliese* only allows customers, not merchants, to register and modify passwords (see 0196, 0250, 0332). Further, *Pugliese* merely teaches a "lost password processing function processes a request for a lost password from a shopper or merchant and then sends the password via email to the shopper as requested." Further, *Pugliese* merely teaches a merchant administration system with a manage merchant profile function that "allows the merchant administrator to update the merchant profile information for a specific merchant location."

The differences between Claims 4, 5 and 14 and the teachings of *Brunson*, *Russell*, and *Pugliese* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claims 4, 5 and 14 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claim 7 requires the system of independent Claim 1 and further requires a means for inputting an image associated with the item into the item information in the database and accessing the image associated with the item in the database from the computer terminal. On page 17 of the Office Action, the Patent Office

admits that *Brunson* in view of *Russell* does not expressly teach a means for inputting an image associated with the item in the item information in the database and a means for accessing the image associated with the item in the database. *Pugliese* merely teaches that the Shoplive system may be equipped with a "video camera manipulation function 310 [to] provide[] the ability for a shopper to manipulate a video station camera via the internet."

The differences between Claim 7 and the teachings of *Brunson*, *Russell* and *Pugliese* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claim 7 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 12, 17, 19 and 20 require the method of Claim 8 and further require a means for providing a second access to the database for modifying the merchant information in the database via the computer network; downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item; inputting user information into the database via the computer system wherein the user information is associated with the user; searching the product list in the merchant information base on the user information; inputting an inventory of the merchant into the database via the computer system wherein the inventory is associated with the

product list of the merchant and further wherein the inventory includes the item for sale; and modifying the inventory of the merchant via the computer system.

On pages 18-20 of the Office Action, the Examiner admits that *Brunson* in view of *Russell* does not expressly teach Claims 12, 17, 19 or 20. *Pugliese* merely teaches a manage merchant profile function that "allows the merchant administrator to update the merchant profile information for a specific merchant location within the merchant administration system." *Pugliese* additionally teaches a merchant administration system that "manages the registration of merchants, locations and departments within mall properties as in store video stations." Further, *Pugliese* merely teaches an application to access catalog content such as text, images, or video; and a system that allows products to have images associated with them.

Further, *Pugliese* merely teaches that "ShopLive merchants are able to access the shopper profile information interactively during a shopping session to determine shopper preferences and allow them to serve the shopper better," and "the shopper's profile stores preference, shopping history and other consumer behavioral data." Further, *Pugliese* merely teaches a Merchant Data Domain that contains "store specific inventory information ... and inventory access [that] provides the ability to query catalog inventory availability at a store location level."

The differences between Claims 12, 17, 19 and 20 and the teachings of *Brunson*, *Russell* and *Pugliese* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claims 12, 17, 19 and 20 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Russell* as applied to Claims 1 and 8, and in further view of *892u*. This rejection is traversed for the reasons that follow.

In the Office Action, the Examiner stated:

Regarding Claims 6 and 16, *Brunson* in view of *Russell* teaches locating an item in a multi retailer establishment (see at least: abstract). *Russell* further teaches how providing a map can be advantageous for shoppers to locate vendors and items (see at least: 0004). *Brunson* in view of *Russell*, however, does not expressly teach displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map. *892u* teaches a mall kiosk equipped with a touch screen monitor. *892u* further teaches a window on the monitor of the mall kiosk that provides a sales assistant for providing the location of a desired product and an animated (i.e. electronic map) on the touch screen showing current location and how to get to the store containing the desired product (see at least: Paragraph 1).

However, independent Claims 1 and 8, as amended, require a system and a method, respectively, for determining an availability and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

Claim 6 requires the system of Claim 1 and further requires an electronic map associated with the multi-dealer retail establishment wherein the location of the merchant associated with the item information is displayed on the electronic map. Claim 16 requires the method of Claim 8 and further requires that the map displays the location of the merchant in the multi-dealer retail establishment wherein the map is associated with the multi-dealer retail establishment.

On page 21 of the Office Action, the Patent Office admits that *Brunson* in view of *Russell* does not expressly teach Claims 6 or 16.

892u merely teaches a touch screen on a kiosk at a mall showing "an animated map showing your location and how to get to the store." The differences between Claims 6 and 16 and the teachings of *Brunson*, *Russell*, and 892u are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claims 6 and 16 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claims 12, 14, 15, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *Pugliese*. This rejection is traversed for the reasons that follow.

In the Office Action, the Examiner stated:

Regarding Claim 12, *Brunson* teaches all of the above but does not expressly teach providing a second access to the database for modifying the merchant information in the database via the computer network. *Pugliese* teaches a shopper system for accessing merchant information via various portals such as mall or in-store kiosk (see at least: abstract). *Pugliese* further teaches providing a second access to the database for modifying the merchant information in the database via the computer network (see at least: 0332, 0334-0335, 0341).

Regarding Claim 14, *Brunson* teaches all of the above as noted but does not expressly teach providing a password for accessing the merchant in the information in the database via the computer system. *Pugliese* teaches providing a password for accessing the merchant information in the database

via the computer system (see at least: 0032, 0334-0335, 0341).

Regarding Claim 17, *Brunson* teaches all of the above and further teaches uploading images in real-time to shoppers (see at least: Fig. 11). *Brunson*, however, does not expressly teach downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item. *Pugliese* teaches downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item (see at least: 0039, 0125, 0150, 0271, Fig. 15).

Regarding Claim 19, *Brunson* teaches all of the above and further teaches a user inputting information and performing a search based on the information (see at least: abstract). *Brunson*, however, does not expressly show inputting user information into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information. *Pugliese* teaches inputting user information into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information (see at least: 0086, 0117, 0143, 0177-0179).

Regarding Claim 20, *Brunson* teaches all of the above and further teaches accessing product availability information (see at least: abstract). *Brunson*, however, does not expressly show inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system. *Pugliese* teaches inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system (see at least: 0099, 0126, 0140).

However, independent Claims 1 and 8, as amended, require a system and a method, respectively, for determining an availability and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

Claims 12, 14, 15, 17, 19 and 20 require the method of Claim 8 and further require providing a second access to the database for modifying the merchant information in the database via the computer network; providing a password for accessing the merchant information in the database via the computer system; downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item; inputting user information into the database via the computer system wherein the user information is associated with the user; inputting an inventory of the merchant into the database via the

computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale; and modifying the inventory of the merchant via the computer system.

On pages 26-28 of the Office Action, the Patent Office admits that *Brunson* does not expressly teach Claims 12, 14, 15, 17, 19 or 20. *Pugliese* merely teaches a merchant administration system that "manages the registration of merchants, locations and departments within mall properties," and a manage merchant catalog function that "allows the merchant or merchant administrator to enter update product information within the merchants online catalog." Further, *Pugliese* merely teaches a lost password processing function that "processes a request for a lost password from a shopper or merchant and then sends the password via email to the shopper as requested." Further, *Pugliese* merely teaches a catalog access sub-system that "manages the catalogues, images, contents, and video image banks for ShopLive merchants."

Further, *Pugliese* merely teaches that a "Shopper Profile registers a shopper and defines a shopper profile that is used by ShopLive to streamline the shopping experience for registered shoppers," the profile "stores preference, shopping history and other consumer behavioral data," and that "ShopLive merchants are able to access the shopper profile information interactively during a shopping session to determine shopper preferences and allow them

to serve the shopper better." Further, *Pugliese* merely teaches "inventory access [that] provides the ability to query catalog inventory availability at a store location level," and a "common method of exchanging inventory data is documented and supported by participants in the ShopLive application using inventory API and XML forms."

The differences between Claims 12, 14, 15, 17, 19 and 20 and the teachings of *Brunson* and *Pugliese* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claims 12, 14, 15, 17, 19 and 20 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Brunson* in view of *892u*. This rejection is traversed for the reasons that follow.

In the Office Action, the Examiner stated:

Regarding Claim 16, *Brunson* teaches all of the above as noted and further teaches locating a product (see at least: abstract). *Brunson*, however, does not expressly teach displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map. *892u* teaches displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map.

However, independent Claim 8, as amended, requires a system and a method, respectively, for determining an availability and a location of an item offered for sale by a merchant in a multi-dealer retail establishment wherein the multi-dealer retail establishment is a structure defined by walls wherein the walls define an interior space and wherein the availability and the location of the item are determined only in the multi-dealer retail establishment and further wherein the multi-dealer retail establishment has a plurality of merchants wherein each of the plurality of merchants is associated with only one of a plurality of locations within the interior space of the multi-dealer retail establishment and each of the plurality of merchants offers a plurality of items that are a distinct group of items from any other merchant of the plurality of merchants.

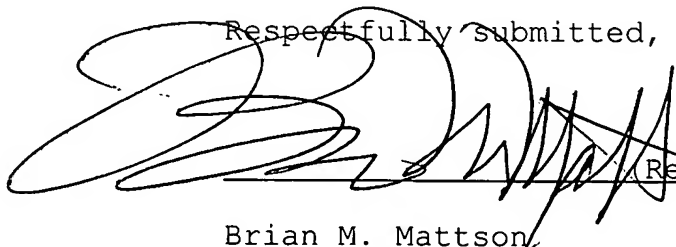
Claim 16 requires the method of Claim 8 and further requires the step of displaying the location of the merchant in the multi-dealer retail establishment on a map wherein the map is associated with the multi-dealer retail establishment. On page 30 of the Office Action, the Patent Office admits that "*Brunson*, however, does not expressly teach displaying an electronic map wherein the location of the merchant associated with the item is displayed on the electronic map." 892u merely teaches a touch screen in a kiosk at a mall that "might start a small video window in which a salesperson points out where you can buy selected products, while

another portion of the screen displays an animated map showing your location and how to get to the store."

The differences between Claim 16 and the teachings of *Brunson* and 892u are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the rejection of Claim 16 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

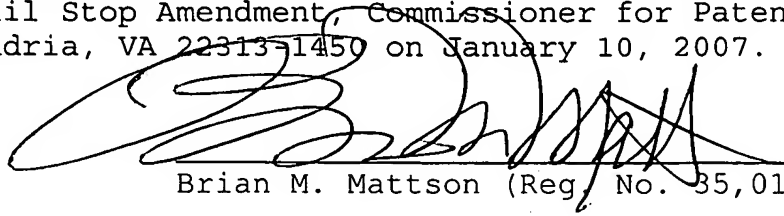
A large, stylized handwritten signature in black ink, appearing to read 'B. Mattson', is written over a horizontal line. To the right of the signature, the text '(Reg. No. 35,018)' is printed.

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment, Transmittal (in duplicate) and return receipt postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2007.



Brian M. Mattson (Reg. No. 35,018)